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NOTICE OF ALLOWANCE AND FEE(S) DUE

20786

7590

08/13/2008

KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

EXAMINER

BARTLEY, KENNETH

ART UNIT

PAPER NUMBER

3693

DATE MAILED: 08/13/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,299	02/12/2002	Robert Rieger	21300.105009	6408

TITLE OF INVENTION: SYSTEM AND METHOD FOR EVALUATING REAL ESTATE TRANSACTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	11/13/2008

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

20786 7590 08/13/2008
KING & SPALDING LLP
1180 PEACHTREE STREET
ATLANTA, GA 30309-3521

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,299	02/12/2002	Robert Rieger	21300.105009	6408
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APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$0	\$0	\$1440	11/13/2008
EXAMINER		ART UNIT	CLASS-SUBCLASS			
BARTLEY, KENNETH		3693	705-038000			

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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20786	7590	08/13/2008	EXAMINER	
KING & SPALDING LLP 1180 PEACHTREE STREET ATLANTA, GA 30309-3521			BARTLEY, KENNETH	
			ART UNIT	PAPER NUMBER
			3693	
DATE MAILED: 08/13/2008				

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 1388 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 1388 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.

10/074,299

Examiner

KENNETH L. BARTLEY

Applicant(s)

RIEGER ET AL.

Art Unit

3693

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on April 30, 2008.
2. ☒ The allowed claim(s) is/are 1,2,5,6,18-21,23 and 35-40.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This communication is in response to amendment filed on April 30, 2008.

Response to Amendment

2. Claims 1, 18, and 35 are currently amended. Claims 3-4, 7-17, 22, 24-34, and 42-44 are canceled. Claim 41 has been previously canceled.
3. Claims 1-2, 5-6, 18-21, 23, and 35-40 are pending and have been allowed.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Neufeld (Reg. No. 48394) on July 24, 2008.

In the Claims

5. Please amend claims 1, 5, 18, 23, and 35-37 to read as follows:

1. A computer-implemented method for making a preliminary evaluation of a probability an investor will approve a real estate transaction comprising the steps of:

receiving at a server computer identifying information from a customer comprising a product type, collateral type, and geographic market;

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storing the identifying information received from the customer in a database for access by an investor connected to the server;

providing to the investor connected to the server computer, scope and market hurdle information from a data source connected to the server computer;

selecting by the investor from the provided scope and market hurdle information, desired scope and market hurdle information for evaluation of a real estate transaction;

transmitting the investor selected scope and market hurdle information to the server computer;

correlating at the server computer the stored identifying information to the investor selected scope and market hurdle information;

comparing at the server computer the correlated identifying information of the customer to the relevant scope and market hurdle data selected by the investor to determine whether the identifying information is acceptable;

if the identifying information is acceptable, prompting the customer for product specific information, and receiving at the server computer, the product specific information from the customer comprising at least an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income, where the product specific information is related to the identifying information;

determining the probability that a real estate transaction will be approved based on the received product specific information; and

presenting the probability for the preliminary evaluation of the real estate transaction.

5. The method of Claim I, wherein determining the probability that the transaction will be approved comprises:

- calculating a loan size array;
- calculating a minimum price curve;
- calculating a maximum price curve;
- calculating a proceed cutoff curve; and
- determining a position price of the product in relation to the minimum price curve, the maximum price curve; and the proceed cutoff curve.

18. A computer-implemented method for using an evaluator software module stored on a server to determine the likelihood a real estate transaction will be approved for a range of prices comprising the steps of:

- inputting identifying information from a customer into a server computer on which the evaluator software module is executing, the identifying information comprising product type, collateral type, and geographic market,

- storing the identifying information received from the customer in a database for access by an investor connected to the server;

- providing to the investor connected to the server computer, scope and market hurdle information from a data source connected to the server computer;

- selecting by the investor from the provided scope and market hurdle information, desired scope and market hurdle information for evaluation of a real estate transaction;

- transmitting the investor selected scope and market hurdle information to the server computer;

- correlating at the server computer the stored identifying information to the investor selected scope and market hurdle information;

- if the identifying information is acceptable, receiving a prompt for product specific information and inputting the product specific information from a customer into the server computer on which the evaluator software module is executing, the product specific information comprising at least an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income, where the product specific information is related to the identifying information; and

- calculating a range of prices for a real estate transaction based on the received product specific information using the evaluator software module, where the evaluator software can calculate the likelihood the real estate transaction will be approved for the range of prices.

23. The method of Claim 18, wherein calculating the range of acceptable prices for the transaction using the evaluator software module comprises:

- calculating a loan size array;
- calculating a minimum price curve;
- calculating a maximum price curve;
- calculating a proceed cutoff curve; and

plotting the minimum price curve, the maximum price curve, and the proceed cutoff over the loan size array.

35. A system for evaluating a real estate transaction comprising:

- a server computer coupled to a client computer via a computer network;

- a data source coupled to the server computer;

- a transaction evaluator software module stored and running on the server and operable for:

 - receiving identifying information from a customer, where the identifying information includes a product type, collateral type, and geographic market;

 - storing the identifying information received from the customer in a database for access by an investor connected to the server;

 - providing to the investor connected to the server computer, scope and market hurdle information from a data source connected to the server computer;

 - selecting by the investor from the provided scope and market hurdle information, desired scope and market hurdle information for evaluation of a real estate transaction;

 - transmitting the investor selected scope and market hurdle information to the server computer;

 - correlating at the server computer the stored identifying information to the investor selected scope and market hurdle information;

 - comparing at the server computer the correlated identifying information of the customer to the relevant scope and market hurdle data selected by the investor to determine whether the identifying information is acceptable;

 - if the identifying information is acceptable, prompting the customer for product specific information and receiving at the server computer the product specific information from the customer comprising at least an amount of the product, a term of the product, a fee associated with the product, a collateral age, and a collateral income, where the product information is related to the identifying information;

 - calculating a range of prices for a real estate transaction based on the product specific information;

determining a probability that the real estate transaction will be approved for the range of prices; and

presenting on a display device the determined probability and the range of prices to the investor.

36. The system of Claim 35, wherein the client computer is operated by a loan originator to evaluate a real estate transaction.

37. The system of Claim 35, wherein the client computer is operated by a customer to evaluate a real estate transaction.

6. Please cancel claims 7, 24, and 42-44.

In the Abstract

7. In the Abstract, please remove line 18 that states: "K&S Docket: 21300-105009"

Approved
/JAGDISH N PATEL/
Primary Examiner, Art Unit 3693

Drawings

8. The following changes to the drawings have been approved by the examiner and agreed upon by applicant: Fig. 2 will have the line from the "Spread Matrix" attached to the "Transaction Evaluator" box (ref. 135); Figures 10-14 contain text that is not legible and

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Applicant has agreed to resubmit it. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

9. The Patent and Trademark Office no longer makes drawing changes. See 1017 O.G. 4.

It is applicant's responsibility to ensure that the drawings are corrected. Corrections must be made in accordance with the instructions below.

INFORMATION ON HOW TO EFFECT DRAWING CHANGES

Replacement Drawing Sheets

Drawing changes must be made by presenting replacement sheets which incorporate the desired changes and which comply with 37 CFR 1.84. An explanation of the changes made must be presented either in the drawing amendments section, or remarks, section of the amendment paper. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). A replacement sheet must include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of the amended drawing(s) must not be labeled as "amended." If the changes to the drawing figure(s) are not accepted by the examiner, applicant will be notified of any required corrective action in the next Office action. No further drawing submission will be required, unless applicant is notified.

Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and within the top margin.

Annotated Drawing Sheets

A marked-up copy of any amended drawing figure, including annotations indicating the changes made, may be submitted or required by the examiner. The annotated drawing sheet(s) must be clearly labeled as "Annotated Sheet" and must be presented in the amendment or remarks section that explains the change(s) to the drawings.

Timing of Corrections

Applicant is required to submit acceptable corrected drawings within the time period set in the Office action. See 37 CFR 1.85(a). Failure to take corrective action within the set period will result in ABANDONMENT of the application.

If corrected drawings are required in a Notice of Allowability (PTOL-37), the new drawings MUST be filed within the THREE MONTH shortened statutory period set for reply in the "Notice of Allowability." Extensions of time may NOT be obtained under the provisions of 37 CFR 1.136 for filing the corrected drawings after the mailing of a Notice of Allowability.

Reasons for Allowance

10. The following is an examiner's statement of reasons for allowance:

The claimed invention pertains to a method, system, and product of evaluating real estate transactions. The evaluation includes a two-step process of receiving identifying information that includes product type, collateral type, and geographic market information, which is compared against selected scope and market hurdle information to determine if the identifying information is acceptable (first step). If the identifying information is acceptable, product specific information is then received that includes an amount, a term, a fee, collateral age and collateral income of the product, where the product specific information is related to the identifying information. The product specific information is then evaluated to determine a probability that a real estate transaction will be approved or a likelihood the transaction will be approved over a range of prices (second-step).

Based on prior art search results, the prior art deemed closest to the allowed claims is Pub. No. US 2001/0047326 to Broadbent et al. Broadbent et al. teaches combining a customer loan application with an automated compliance engine. However, Broadbent fails to teach a two-step process where the identifying information is compared to scope and market hurdle

information and then, if the identifying information is acceptable, the probability of approval is determined based on the product specific information.

The Examiner points out the importance and advantages of the above features. Prior art exists for receiving real estate information directed toward loan evaluation (i.e. loan approval), but not in a two-step process directed toward a real estate transaction (i.e. investment). The two-step process allows for receiving and evaluating preliminary identifying information based on certain criteria and then receiving and evaluating more detailed information related to the first information. The invention uses the detailed product specific information to provide investors with useful probability or price information in order to determine whether or not a real estate transaction will be approved.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KENNETH L. BARTLEY whose telephone number is (571)272-5230. The examiner can normally be reached on Monday through Friday, 8:00 - 5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jagdish Patel can be reached on (571) 272-6748. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JAGDISH N PATEL/

Primary Examiner, Art Unit 3693